KA / BG-GPO/2515/WPP-47/2006-2008



ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರ

ಅಧಿಕೃತವಾಗಿ ಪ್ರಕಟಿಸಲಾದುದು

ಸಂಪುಟ ೧೪೧	ಬೆಂಗಳೂರು, ಗುರುವಾರ, ಸೆಪ್ಟೆಂಬರ್ ೧೪, ೨೦೦೬ (ಭಾದ್ರಪದ ೨೩, ಶಕವರ್ಷ ೧೯೨೮)	ಸಂಚಿಕೆ ೩೭

ಭಾಗ - ೪

ರಾಜ್ಯದ ವಿಧೇಯಕಗಳ ಮತ್ತು ಅವುಗಳ ಮೇಲೆ ಪರಿಶೀಲನಾ ಸಮಿತಿಯ ವರದಿಗಳು, ರಾಜ್ಯದ ಅಧಿನಿಯಮಗಳು ಮತ್ತು ಅಧ್ಯಾದೇಶಗಳು, ಕೇಂದ್ರದ ಮತ್ತು ರಾಜ್ಯದ ಶಾಸನಗಳ ಮೇರೆಗೆ ರಾಜ್ಯ ಸರ್ಕಾರವು ಹೊರಡಿಸಿದ ಸಾಮಾನ್ಯ ಶಾಸನಬದ್ಧ ನಿಯಮಗಳು ಮತ್ತು ರಾಜ್ಯಾಂಗದ ಮೇರೆಗೆ ರಾಜ್ಯಪಾಲರು ಮಾಡಿದ ನಿಯಮಗಳು, ಹಾಗೂ ಕರ್ನಾಟಕ ಉಚ್ಚ ನ್ಯಾಯಾಲಯವು ಮಾಡಿದ ನಿಯಮಗಳು.

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಸಚಿವಾಲಯ

ಅಧಿಸೂಚನೆ

ಸಂಖ್ಯೆ: ಸಂವ್ಯಶಾಇ 35 ಕೇಶಾಪ್ರ 2006, ಬೆಂಗಳೂರು, ದಿನಾಂಕ:30ನೇ ಆಗಸ್ಟ್ 2006

2006ನೇ ಸಾಲಿನ ಜೂನ್ 2ನೇ ದಿನಾಂಕದ ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟ್‌ನ ವಿಶೇಷ ಸಂಚಿಕೆಯ ಭಾಗ- II ಸೆಕ್ಷನ್ 1 ರಲ್ಲಿ ಪ್ರಕಟವಾದ ಈ ಕೆಳಕಂಡ The Cess Laws (Repealing and Amending) Act, 2006 (Act No.24 of 2006) ಅನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯ ಪತ್ರದಲ್ಲಿ ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ.

THE CESS LAWS (REPEALING AND AMENDING) ACT, 2006

AN

Act

to repeal certain enactments and to amend certain other enactments relating to levy of cess on certain items.

Be it enacted by Parliament in the Fifty -seventh Year of the Republic of India as follows:

1. Short title: (1) This Act may be called the Cess Laws (Repealing and Amending) Act, 2006.

2. Repeal of certain enactments: (1) The enactments specified in the First Schedule are hereby repealed to the extent mentioned in the fourth column thereof.

3. Amendment of Act 26 of 1975: The enactment specified in the Second Schedule is hereby amended to the extent and in the manner mentioned in the fourth column thereof.

4. Savings: (1) The repeal or amendment by this Act of any enactment shall not-

(a) affect any other enactment in which the repealed enactment has been applied, incorporated or referred to;

(b) affect the validity, invalidity, effect or consequences of anything already done or suffered, or any right, title, obligation or liability already acquired, accrued or incurred or any remedy or proceeding in respect thereof, or any release or discharge of or from any debt, penalty, obligation, liability, claim or demand, or any indemnity already granted, or the proof of any past act or thing;

(c) affect any principle or rule of law, or established jurisdiction, form or course of pleading, practice or procedure, or existing usage, custom, privilege, restriction, exemption, office or appointment, notwithstanding that the same respectively may have been in any manner affirmed or recognised or derived by, in or from any enactment hereby repealed;

(d) revive or restore any jurisdiction, office, custom, liability, right, title, privilege, restriction, exemption, usage, practice, procedure or other matter or thing not now existing or in force.

(2) The mention of particular matters in sub-section (1) shall not be held to prejudice or affect the general application of section 6 of the General Clauses Act, 1897 (10 of 1897), with regard to the effect of repeals.

5. Collection and payment of arrears of duties: Notwithstanding the repeal of the enactments specified in the First Schedule or the amendments in the enactment as specified in the Second Schedule, the proceeds of duties levied under the said enactments immediately preceding the date on which the Cess Laws (Repealing and Amending) Bill, 2006 receives the assent of the President,-

(i) if collected by the collecting agencies but not paid into the Reserve Bank of India; and

(ii) if not collected by the collecting agencies, shall be paid or as the case may be, collected and paid into the Reserve Bank of India for being credited to the Consolidated Fund of India.

THE FIRST SCHEDULE

(See Section 2)

Repeals

Year	No.	Short title	Extent of repeal
1	**2**	**3**	**4**
1942	7	The Coffee Act, 1942	Sections 11 and 13.
1972	13	The Marine Products Export Development Authority Act, 1972	Sections 14 and 15.
1986	3	The Agricultural and Processed Food Products Export Cess Act, 1985	The whole.
1986	11	The Spices Cess Act, 1986	The whole.

THE SECOND SCHEDULE

(See Section 3)

Amendments

Year	No.	Short title	Amendments
1	**2**	**3**	**4**
1975	26	The Tobacco Cess Act, 1975	(i) Section 4 shall be omitted. (ii) In section 5, for the words and figures "duties of excise and customs levied under sections 3 and 4 respectively", the words and figure "duty of excise levied under section 3" shall be substituted.

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ,

ರಿಚಾರ್ಡ್ ಲೋಬೋ

ಸಹಾಯಕ ಪ್ರಾರೂಪಕಾರ ಮತ್ತು ಪದನಿಮಿತ್ತ,

ಸರ್ಕಾರದ ಉಪ ಕಾರ್ಯದರ್ಶಿ,

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ.

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ಅಧಿಸೂಚನೆ

ಸಂಖ್ಯೆ: ಸಂವ್ಯಶಾಇ 36 ಕೇಶಾಪ್ರ 2006, ಬೆಂಗಳೂರು, ದಿನಾಂಕ:30ನೇ ಆಗಸ್ಟ್ 2006

2006ನೇ ಸಾಲಿನ ಮೇ 19ನೇ ದಿನಾಂಕದ ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟ್‌ನ ವಿಶೇಷ ಸಂಚಿಕೆಯ ಭಾಗ– II ಸೆಕ್ಷನ್ 1ರಲ್ಲಿ ಪ್ರಕಟವಾದ ಈ ಕೆಳಕಂಡ The Delhi Laws (Special Provisions) Act, 2006 (Act No.22 of 2006) ಅನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯ ಪತ್ರದಲ್ಲಿ ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ.

THE DELHI LAWS (SPECIAL PROVISIONS) ACT, 2006

AN

ACT

to make special provisions for the areas of Delhi for a period of one year and for matters connected therewith or incidental thereto.

WHEREAS phenomenal increase in the population owing to migration has put tremendous pressure on land and infrastucture in Delhi resulting in developments which are not in consonance with the Master Plan of Delhi 2001 and the building bye-laws;

AND WHEREAS keeping in view the perspective for the year 2021 and emerging new dimensions in urban development, the Central government has proposed extensive modifications in the Master Plan of Delhi, which have been published and suggestions and objections have been received in respect thereof from the public, and the finalisation of the Master Plan 2021 is likely to take some more time;

AND WHEREAS the Central Government has constituted a Committee of Experts to look into the various aspects of unauthorised construction and misuse of premises and suggest a comprehensive strategy to deal with them;

AND WHEREAS a revised policy for relocation and rehabilitation of slum dwellers in Delhi is also under consideration of the Central Government;

AND WHEREAS a strategy is proposed to be prepared by the local authorities in Delhi in accordance with the National Policy for Urban Street Vendors;

AND WHEREAS action for violation of the provisions of the Master Plan, 2001 and building bye-laws, before a final view is taken in the matter by the Government, is causing avoidable hardship and irreparable loss to a large number of people;

AND WHEREAS some time is required for making orderly arrangements in terms of the proposed Master Plan 2021;

AND WHEREAS it is expedient to have a law to provide temporary relief to the people of Delhi against such action for a period of one year within which various policy issues referred to above are expected to be finalised;

BE it enacted by Parliament in the Fifty-seventh Year of the Republic of India as follows:

1. Short title, extent and duration: (1) This Act may be called the Delhi Laws (Special Provisions) Act, 2006.

(2) It extends to Delhi.

(3) It shall cease to have effect on the expirty of one year from the date of its commencement, except as respects things done or omitted to be done before such cesser, and upon such cesser section 6 of the General Clauses Act, 1897 (10 of 1897), shall apply as if this Act had then been repealed by a Central Act.

2. Definitions: (1) In this Act, unless the context otherwise requires,-

(a) 'building bye-laws" means bye-laws made under section 481 of the Delhi Municipal Corporation Act, 1957 (66 of 1957), or the bye-laws made under section 188, sub-section (3) of section 189 and sub-section (1) of section 190 of the Punjab Municipal Act, 1911 (Punjab Act 3 of 1911), as in force in New Delhi or the regulations made under sub-section (1) of section 57 of the Delhi Development Act, 1957 (61 of 1957), relating to buildings;

(b) "Delhi" means the entire area of the National Capital Territory of Delhi except the Delhi Cantonment as defined in clause (11) of section 2 of the Delhi Municipal Corporation Act, 1957 (66 of 1957);

(c) "encroachment" means unauthorised occupation of Government land or public land by way of putting temporary, semi-permanent or permanent structure for residential use or commercial use or any other use;

(d) "local authority" means the Delhi Municipal Corporation established under the Delhi Municipal Corporation act, 1957 (66 of 1957), or the New Delhi Municipal Council established under the New Delhi Municipal Council Act, 1994 (44 of 1994), or the Delhi Development Authority established under the Delhi

Development Act, 1957 (61 of 1957), legally entitled to exercise control in respect of the areas under their respective jurisdiction;

(e) "Master Plan" means the Master Plan for Delhi 2001 notified under the Delhi Development Act, 1957 (61 of 1957);

(f) "notification" means a notification published in the Official Gazette;

(g) "punitive action" means action taken by a local authority under the relevant law against unauthorised development and shall include demolition, sealing of premises and displacement of persons or their business establishment from their existing location, whether in pusuance of Court orders or otherwise;

(h) "relevant law" means in case of-

(i) the Delhi Development Authority, the Delhi Development Act, 1957 (61 of 1957);

(ii) the Municipal Corporation of Delhi, the Delhi Municipal Corporation Act, 1957 (66 of 1957); and

(iii) the New Delhi Municipal Council, the New Delhi Municipal Council Act, 1994 (44 of 1994);

(i) "unauthorised development" means use of land or use of building or construction of building carried out in contravention of the sanctioned plans or without obtaining the sanction of plans, or in contravention of the land use as permitted under the Master Plan or Zonal Plan or layout plan, as the case may be, and includes encroachment.

(2) The words and expressions used but not defined herein shall have the meanings respectively assigned to them in the Delhi Development Act, 1957, (61 of 1957), the Delhi Municipal Corporation Act, 1957 (66 of 1957) and the New Delhi Municipal Council Act, 1994 (44 of 1994).

3. Enforcement to be kept in abeyance: (1) Notwithstanding anything contained in any relevant law or any rules, regulations or bye-laws made thereunder, the Central Government shall within a period of one year of the coming into effect of this act, take all possible measures to finalise norms, policty guidelines and feasible strategies to deal with the problem of unauthorise development with regard to the under-mentioned categories, namely:

(a) mixed land use not conforming to the Master Plan;

(b) construction beyond sanctioned plans; and

(c) encroachment by slum and Jhuggi-Jhompri dwellers and hawkers and street vendors,

so that the development of Delhi takes place in a sustainable and planned manner.

(2) Subject to the provisions contained in sub-section (1) and notwithstanding any judgement, decree or order of any court, status quo as on the 1st day of January, 2006 shall be maintained in respect of the categories of unauthorised development mentioned in sub-section (1).

(3) All notices issued by any local authority for initiating action against the categories of unauthorised development referred to in sub-section (1), shall be deemed to have been suspended and no punitive action shall be taken durng the said period of one year.

(4) Notwithstanding any other provisions contained in this Act, the Central Government may, at any time before the expiry of one year, withdraw the exemption by notification in the Official Gazette in respect of one or more the categories of unauthorised development mentioned in sub-section (2) or sub-section (3), as the case may be.

4. The provisions of this Act not to apply in certain cases: During the period of operation of this Act, no relief shall be available under the provisions of section 3in respect of the following categories of unauthorised development, namely:

(a) any construction unauthorisedly started or continued on or after the 1st day of January, 2006:

(b) commencement of any commercial activity in residential areas in violation of the provisions of the Master Plan of Delhi 2001 on or after the 1st day of January, 2006;

(c) encroachment on public land except in those cases which are covered under clause (c) of sub-section (1) of section 3;

(d) removal of slums and Jhuggi-Jhompri dwellers and hawkers and street vendors, in accordance with the relevant policies approved by the Central Government for clearance of land required for specific public projects.

5. Power of Central Government to give directions: The Central Government may, from time to time, issue such directions to the local authorities as it may deem fit, for giving effect to the provisions of this Act and it shall be the duty of the local authorities, to comply with such directions..

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ,

ರಿಚಾರ್ಡ್ ಲೋಬೋ

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ಸಹಾಯಕ ಪ್ರಾರೂಪಕಾರ ಮತ್ತು ಪದನಿಮಿತ್ತ,

ಸರ್ಕಾರದ ಉಪ ಕಾರ್ಯದರ್ಶಿ,

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ.

ಅಧಿಸೂಚನೆ

ಸಂಖ್ಯೆ: ಸಂವ್ಯಶಾಇ 37 ಕೇಶಾಪ್ರ 2006, ಬೆಂಗಳೂರು, ದಿನಾಂಕ:30ನೇ ಆಗಸ್ಟ್ 2006

2006ನೇ ಸಾಲಿನ ಮೇ 30ನೇ ದಿನಾಂಕದ ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟ್‌ನ ವಿಶೇಷ ಸಂಚಿಕೆಯ ಭಾಗ– II ಸೆಕ್ಷನ್ 1ರಲ್ಲಿ ಪ್ರಕಟವಾದ ಈ ಕೆಳಕಂಡ The Companies (Amendment) Act, 2006 (Act No.23 of 2006) ಅನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯ ಪತ್ರದಲ್ಲಿ ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ.

THE COMPANIES (AMENDMENT) ACT, 2006

AN

ACT

further to amend the Companies Act, 1956.

BE it enacted by Parliament in the Fifty-seventh Year of the Republic of India as follows:

1. Short title and commencement: (1) This Act may be called the Companies (Amendment) Act, 2006.

(2) It shall come into force on such date as the Central government may, by notification, appoint and different dates may be appointed for different provisions of this Act.

2. Amendment of section 253: In section 253 of the Companies Act, 1956 (1 of 1956) (hereinafter refferred to as the principal Act), the following proviso shall be inserted, namely:

"Provided that no company shall appoint or re-appoint any individual as director of the company unless he has been allotted a Director Identification Number under section 266B."

3. Insertion of new sections 226A, 266B, 266C, 266D, 266E, 266F and 266G: After section 266 of the principal Act, the following sections shall be inserted, namely:

"Director Indentification Number

266A: Application for allotment of Director Identification Number: Every-

(a) individual, intending to be appointed as director of a company; or

(b) director of a company appointed before the commencement of the Companies (Amendment) Act, 2006;

shall make an application for allotment of Director Identification Number to the Central Government in such form, and manner (including electronic form) alongwith such fee, as may be prescribed:

Provided that every director, appointed before the commencement of the Companies (Amendment) Act, 2006, shall make, within sixty days of the commencement of the said Act, such application to the Central Government:

Provided further that every applicant, who has made an application under this section for allotment of a Director Identification Number, may be appointed as a director in a company, or hold office as director in a company till such time such applicant has been allotted the Director Identification Number.

266B: Allotment of Director Indentification Number: The Central Government shall, within one month from the receipt of the application under section 266A, allot a Director Identification Number to an applicant, in such manner as may be prescribed.

266C: Prohibition to obtain more than one Director Identification Number: No individual, who had already been allotted a Director Indentification Number under section 266B, shall apply, obtain or possess another Director Identification Number.

266D: Obligation of director to intimate Directror Identification Number to concerned company or companies: Every existing director shall, within one month of the receipt of Director Identification Number from the Central Government, intimate his Director Identification Number to the company or all companies wherein he is a director.

266E: Obligation of company to inform Director Identification Number to Registrar: (1) Every company shall, within one week of the receipt of intimation under section 266D, furnish the Director Identification Number of all its directors to the Registrar or any other officer or authority as may be specified by the Central Government.

(2) Every intimation under sub-section (1) shall be furnished in such form and manner as may be prescribed.

266F: Obligation to indicate Director Indentification Number: Every person or company, while furnishing any return, information or particulars as are required to be furnished under this Act, shall quote the Director Identification Number in such return, information or particulars in case such return, information or particulars relate to the director or contain any reference of the director.

266G: Penalty for contravention of provisions of section 266A or section 266C or section 266D or section 266E: If any individual or director, referred to in section 266A or section 266C or section 266D or a company referred to in section 266E, contravenes any of the provisions of those sections, every such individual or director or the company, as the case may be, who or which, is in default, shall be punishable with fine which may extend to five thousand rupees and where the contravention is a continuing one, with a further fine which may extend to five hundred rupees for every day after the first during which the contravention continues.

Explanation: For the purposes of sections 266A, 266B, 266C, 266D, 266E and 266F, the Director Identification Number means an identification number which the Central Government may allot to any individual, intending to be appointed as director or to any existing directors of a company, for the purpose of his identification as such."

4. Insertion ofnew sections 610B, 610C, 610D and 610E: After section 610A of the principal Act, the following sections shall be inserted, namely:

"610B: Provisions relating to filing of applications, documents inspection, etc., through electronic form: (1) Notwithstanding anything contained in this Act, and without prejudice to the provisions contained in section 6 of the Information Technology Act, 2000 (21 of 2000), the Central Government may, by notification in the Official Gazette, make rules so as to require from such date as may be specified in the rules, that-

(a) such applications, balance-sheet, prospectus, return, declaration, memorandum of association, articles of association, particulars of charges, or any other particulars or document as may be required to be filed or delivered under this Act or rules made thereunder, shall be filed through the electronic form and authenticated in such manner as may be specified in the rules;

(b) such document, notice, any communication or intimation, required to be served or delivered under this Act, shall be served or delivered under this Act through the electronic form and authenticated in such manner as may be specified in the rules;

(c) such applications, balance-sheet, prospectus, return, register, memorandum of association, articles of association, particulars of charges, or any other document and return filed under this Act or rules made thereunder shall be amintained by the Registrar in the electronic form and registered or authenticated, as the case may be, in such manner as may be specified in the rules;

(d) such inspections of the memorandum of association, articles of association, register, index, balance-sheet, return or any other document maintained in the electronic form, which is otherwise available for such inspection under this Act or rules made thereunder, may be made by any persons through the electronic form as may be specified in the rules;

(e) such fees, charges or other sums payable under this Act or rules made thereunder shall be paid through the electronic form and in such manner as may be specified in the rules;

(f) the Registrar shall, register change of registered office, alteration of memorandum of association or articles of association, prospectus, issue certificate of incorporation or certificate of commencement of business, register such document, issue such certificate record notice, receive such communication as may be required to be registered or issued or recorded or received, as the case may be, under this Act or rules made thereunder or perform duties or discharge functions or exercise powers under this Act or rules made thereunder or do any act which is by this Act directed to be performed or

discharged or exercised or done by the Registrar, by the electronic form, in such manner as may be specified in the rules.

(2) The Central Government may, by notification in the Official Gazette, frame a scheme to carry out the provisions pecified under sub-section (1) through the electronic form:

Provided that the Central Government may appoint different dates in respect of different Registrar of Companies or Regional Directors from which such scheme shall come into force.

610C. Power to modify Act in relation to electronic records (inlcuding the manner and form in which electronic records shall be filed): (1) The Central Government may, by notification in the Official Gazette, direct that any of the provisions of this Act, so far as it is required for the purpose of electronic record specified under section 610B in the electronic form,-

(a) shall not apply, in relation to the matters specified under clauses (a) to (f) of sub-section (1) of section 610B, as may be specified in the notification; or

(b) shall apply, in relation to the matters specified under clauses (a) to (f) of sub-section (1) of section 610B only with such consequential exceptions, modifications or adoptions as may be specified in the notification:

Provided that no such notification which relates to imposition of fines or other pecuniary penalties or demand or payment of fees or contravention of any of the provisions of this Act or offence shall be issued under this sub-section.

(2) A copy of every notification proposed to be issued under sub-section (1), shall be laid in draft before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both House agree in disapproving the issue of the notification or both Houses agree in making any modification in the notification , the notification shall not be issued or, as the case may be, shall be issued only in such modified form as may be agreed upon by both the Houses.

610D. Providing of value added services through electronic form: The Central Government may provide such value added services through the electronic form and levy such fees as may be prescribed.

610E. Application of provisions of Act 21 of 2000: All the provisions of the Information Technology Act, 2000 relating to the electronic records (inlcuding the manner and format in which the electronic records shall be filed), in so far as they are not inconsistent with this Act, shall apply, or in relation, to the records in electronic form under section 610B.".

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ,
ರಿಚಾರ್ಡ್ ಲೋಬೋ
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ಸಹಾಯಕ ಪ್ರಾರೂಪಕಾರ ಮತ್ತು ಪದನಿಮಿತ್ತ,
ಸರ್ಕಾರದ ಉಪ ಕಾರ್ಯದರ್ಶಿ,
ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ.

ಅಧಿಸೂಚನೆ

ಸಂಖ್ಯೆ: ಸಂವ್ಯಶಾಇ 38 ಕೇಶಾಪ್ರ 2006, ಬೆಂಗಳೂರು, ದಿನಾಂಕ:30ನೇ ಆಗಸ್ಟ್ 2006

2006ನೇ ಸಾಲಿನ ಜೂನ್ 5ನೇ ದಿನಾಂಕದ ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟ್‌ನ ವಿಶೇಷ ಸಂಚಿಕೆಯ ಭಾಗ– II ಸೆಕ್ಷನ್ 1ರಲ್ಲಿ ಪ್ರಕಟವಾದ ಈ ಕೆಳಕಂಡ The Code of Criminal Proceedure (Amendment) Act, 2006 (Act No.25 of 2006) ಅನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯ ಪತ್ರದಲ್ಲಿ ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ.

THE CODE OF CRIMINAL PROCEDURE (AMENDMENT) AMENDING ACT, 2006

AN

ACT

further to amend the Code of Criminal Procedure (Amendment) Act, 2005

BE it enacted by Parliament in the Fifty-seventh Year of the Republic of India as follows:

1. Short title: This Act may be called the Code of Criminal procedure (Amendment) Amending Act, 2006.

2. Amendment of section 1 of Act 25 of 2005: In the Code of Criminal Procedure (Amendment) Act, 2005, in section 1, in sub-section (2), after the words "by notification in the Official Gazette, appoint", the words "; and different dates may be appointed for different provisions of this Act" shall be inserted.

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ,

ರಿಚಾರ್ಡ್ ಲೋಬೋ

ಪಿ.ಆರ್. 75

ಸಹಾಯಕ ಪ್ರಾರೂಪಕಾರ ಮತ್ತು ಪದನಿಮಿತ್ತ,

ಸರ್ಕಾರದ ಉಪ ಕಾರ್ಯದರ್ಶಿ,

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ.

ಅಧಿಸೂಚನೆ

ಸಂಖ್ಯೆ: ಸಂವ್ಯಶಾಇ 39 ಕೇಶಾಪ್ರ 2006, ಬೆಂಗಳೂರು, ದಿನಾಂಕ:30ನೇ ಆಗಸ್ಟ್ 2006

2006ನೇ ಸಾಲಿನ ಜುಲೈ, 14ನೇ ದಿನಾಂಕದ ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟ್‌ನ ವಿಶೇಷ ಸಂಚಿಕೆಯ ಭಾಗ– II ಸೆಕ್ಷನ್ 1ರಲ್ಲಿ ಪ್ರಕಟವಾದ ಈ ಕೆಳಕಂಡ The National Institute of Fashion Technology Act, 2006 (Act No.28 of 2006) ಅನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯ ಪತ್ರದಲ್ಲಿ ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ.

THE NATIONAL INSTITUTE OF FASHION TECHNOLOGY ACT, 2006

AN

ACT

to establish and incorporate the National Institute of Fashion Technology for the promotion and development of education and research in fashion Technology and for matters connected therewith and incidental thereto.

BE it enacted by Parliament in the Fifty-seventh Year of the Republic of India as follows:

1. Short title and commencement: (1) This Act may be called the National Institute of Fashion Technology Act, 2006.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint and different dates may be appointed for different provisions of this Act.

2. Definitions: In this Act, unless the context otherwise requires,-

(a) "appointed day" means the date of establishment of the National Institute of Fashion Technology under sub-section (1) of section 3;

(b) "Board" means the Board of Governors of the Institute constituted under sub-section (3) of section 3;

(c) "Chairperson" means the Chairperson of the Institute nominated under clause (a) of sub-section (3) of section 3;

(d) "Director-General" means the Director-General of the Institute appointed under section 15;

(e) "fashion" includes a popular trend or a lifestyle, specially in styles of dress and ornament or manners of behaviour or the business of creating, promoting or studying styles in vogue or the designing, production and marketing of new styles of goods such as, clothing, accessories, craft and cosmetics; and the words "fashion Technology" with their grammatical variations and cognate expressions, shall be construed accordingly;

(f) "Fund" means the Fund of the Institute to be maintained under section 19;

(g) "Institute" means the National Institute of Fashion Technology established under sub-section (1) of section 3;

(h) "Institute Campus" means an Institute Campus located at New Delhi, Gandhinagar, Chennai, Mumbai, Hyderabad, Bangalore, Kolkata or any other place in India or abroad as may be decided by the Board of Governors;

(i) "Senate" means the Senate of the Institue referred to in section 12:

(j) "Society" means the National Institute of Fashion Technology, New Delhi registered as a society under the Societies Registration Act, 1860 (21 of 1860);

(k) "Statutes" and "Ordinances" mean respectively the Statutes and the Ordinances of the Institute made under this Act.

CHAPTER-II
THE INSTITUTE

3. Establishment of the Institute: (1) With effect from such date as the Central Government may, by notification in the Official Gazette appoint, the National Institute of Fashion Technology shall be established as a body corporate by the name aforesaid.

(2) The Institute shall have perpetual succession and a common seal with power, subject to the provisions of this Act, to acquire, hold and dispose of property and to contract, and shall, by that name, sue or be sued.

(3) The Institute shall consist of the Board of Governors having the following persons, namely:

(a) a Chairperson, who shall be an eminent academician, scientist or Technologist or professional, to be nominated by the Visitor;

(b) three Members of Parliament, two from Lok Sabha to be nominated by the Speaker of Lok Sabha and one from Rajya Sabha to be nominated by the Chairman of Rajya Sabha;

(c) the Director-General of the Institute, ex officio;

(d) the Financial Adviser of the Ministry or Department in the Government of India dealing with the National Institute of Fashion Technology, ex officio;

(e) the Joint Secretary, in the Ministry or Department in the Government of India dealing with the National Institute of Fashion Technology, ex officio;

(f) the representative of the Ministry or Department in the Government of India dealing with higher education to be nominated by the Secretary of that Ministry or Department, ex officio;

(g) five persons to be nominated by the Central Government, representing the States in which the campus of the Insitute is located, from amongst persons who are academicians or industrialists of repute engaged in area of fashion Technology; and

(h) two eminent experts in fashion Technology, one of whom shall be an educationist, to be nominated by the Visitor on the recommendations of the Central Government.

(4) The term of office of the Chairperson and other members of the Board other than ex officio members thereof shall be three years and they shall be entitled for such allowances as may be determined by the Central Government.

(5) The term of office of members of the Board nominated to fill a casual vacancy shall continue for the remainder of the term of the member in whose place he has been nominated.

(6) The Board shall meet at least four times in a year at such place and time and observe such rules of procedure in regard to the transaction of business at its meetings as may be determined by the Board.

(7) It is hereby declared that the office of member of the Board of Governors shall not disqualify its holder for being chosen as, or for being, a member of either House of Parliament.

4. Vesting of properties: On and from the appointed day, subject to the other provisions of this Act, all properties which had vested in the Society, immediately before the commencement of this Act, shall on and from such commencement, vest in the Institute.

5. Effect of incorporation of Institute: On and from the appointed day-

(a) any reference to the Society in any contract or other instrument shall be deemed as a reference to the Institute;

(b) all the rights and liabilities of the Society shall be transferred to, and be the rights and liabilities of, the Institute; and

(c) every person employed by the Society, immediately before the appointed day, shall hold office or service in the Institute by the same tenure, at the same remuneration and upon the same terms and conditions and with the same rights and privileges as to pension, leave, gratuity, provident fund and other matters as he would have held the same, if this Act had not been passed, and shall continue to be so, unless and until his emloyment is terminated or until such tenure, remuneration, terms and conditions are duly altered by the Statutes:

Provided that if the alteration so made is not acceptable to such employee, his employment may be terminated by the Institute in accordance with the terms of the contract with the employee or, if no provision is made therein in this behalf, on payment to him by the Institute of compensation equivalent to three month's remuneration in the case of permanent employee and one month's remuneration in the case of other employee.

6. Functions of Institute: The functions of the Institute shall be-

(i) to nurture and promote quality and excellence in education and research in area of fashion Technology;

(ii) to lay down courses leading to graduate and post-graduate degrees, doctoral and post-doctoral courses and research in area of fashion Technology;

(iii) to hold examinations and grant degrees in area of fashion Technology;

(iv) to confer honorary degrees, awards or other distinctions in area of fashion Technology;

(v) to cooperate with educational or other institutions in any part of the world having objects wholly or partly similar to those of the Institute by exchange of faculty members and scholars and generally in such manner as may be conducive to their common objective;

(vi) to conduct courses for teachers, fashion Technologists and other professionals;

(vii) to undertake research and studies in area of fashion Technology and application thereof, particularly concerning the integration of locally produced materials, the requirements of mass production, improved quality and design and international marketing;

(viii) to collect and maintain literature and materials available in area of fashion Technology so as to develop a modern information centre within the country;

(ix) to create a central faculty of fashion Technology resource and analysis for use by the researchers;

(x) to have a centre to experiment and innovate and to train persons in the area of fashion Technology;

(xi) to develop an international centre for creation and transmission of information in the area of fashion Technology, with focus on educational, professional and industrial commitments;

(xii) to develop a multi-disciplinary approach in carrying out research and training in area of fashion Technology so that the larger interests of the profession, academia and fashion industry are abetter served;

(xiii) to organise national or international symposia, seminars, conferences and exhibitions in selected area of fashion Technology, from time to time;

(xiv) to arrange courses catering to the special needs of the developing countries;

(xv) to act as a nucleus for interaction between academia and industry by encouraging exchange of fashion Technologists and other technical staff between the Institute and the industry and by undertaking sponsored and funded research as well as consultancy projects by the Institute;

(xvi) to provide Technical assistance to artisans, craftsmen, manufacturers, designers and exporters of fashion products; and

(xvii) to carry out any other activity in the area of fashion Technology not specifically listed above.

7. Powers of Board: (1) Subject to the provisions of this Act, the Board, under overall control of the Central Government, shall be responsible for the general superintendence, direction and control of the affairs of the Institute and shall exercise all the powers not otherwise provided for by this Act, the Statutes and the Ordinances, and shall have the power to review the acts of the Senate.

(2) Without prejudice to the provisions of sub-section (1), the Board shal-

(a) take decisions on questions of policy relating to the administration and working of the Institute;

(b) take decisions on the establishment of new campuses of the Institute at any location in India or abroad;

(c) fix, demand and receive fees and other charges;

(d) establish, maintain and manage halls and hostels for the residence of the students;

(e) supervise and control the residence and regulate the discipline of students of the Institute and to make arrangements for promoting their health, general welfare and cultural and corporate life;

(f) institute academic and other posts and to make appointments thereto (except in the case of the Director-General);

(g) frame Statutes and Ordinances and to alter, modify or rescind the same;

(h) institute and award fellowships, scholarships, prizes and medals;

(i) consider and pass resolutions on the annual report, the annual accounts and the budget estimates of the Institute for the next financial year as it thinks fit together with a statement of its development plans;

(j) receive gifts, grants, donations or benefactions from the Government and to receive bequests, donations and transfers of movable or immovable properties from the testators, donors or transferors, as the case may be; and

(k) do all such things as may be necessary, incidental or conducive to the attainment of all or any of the aforesaid powers.

(3) The Board shall have the power to appoint such committees, as it considers necessary for the exercise of its powers and the performance of its duties under this Act.

(4) Notwithstanding anything contained in sub-section (2) of section 3, the Board shall not dispose of in any manner any immovable property without the prior approval of the Central Government.

(5) The Central Government may appoint one or more persons to review the work and progress of the Institute and to hold inquiries into the affairs thereof and to report thereon in such manner as the Central Government may direct.

(6) Upon receipt of any such report, the Central Government may take such action and issue such directions as it considers necessary in respect of any of the matters dealt with in the report and the Institute shall be bound to comply with such directions.

(7) The visitor shall have the power to remove the Chairperson or other members of the Board nominated by him, on the recommendations of the Central Government.

(8) The Central Government shall have the power to remove other members, if it considers it appropriate to do so.

(9) No Chairperson or member shall be removed under sub-section (7) or sub-section (8) unless he has been given a reasonable opportunity of being heard in the matter.

8. Institute be open to all races, creeds and classes: (1) The Institute shall be open to persons of either sex and of whatever race, creed, caste or class, and no test or conditions shall be imposed as to religious belief or profession in admitting or appointing members, students, Teachers or workers or in any other connection whatsoever.

(2) No bequest, donation or transfer of any property shall be accepted by the Institute, which in the opinion of the Board involves conditions or obligations opposed to the spirit and object of this section.

9. Teaching at Institute: All teaching at the campuses of the Institute shall be conducted by or in the name of the Institute in accordance with the Statutes and the Ordinances made in this behalf.

10. Visitor: The President of India shall be the Visitor of the Institute.

11. Authorities of Institute: The following shall be the authorities of the Institute, namely:

(a) a Board of Governors;

(b) a Senate; and

(c) such other authorities as may be declared by the Statutes to be authorities of the Institute.

12. Senate: The Senate of the Institute shall consist of the following persons, namely:

(a) the Director-general, ex officio who shall be the Chairperson of the Senate;

(b) all Institute Campus Directors and Senior Professors;

(c) three persons, not being employees of the Institute, to be nominated by the Chairperson in consultation with the Director-General, from amongst educationists of repute, one each from the fields of science, engineering and humanities and one of them shall be either from the Scheduled Castes or the Scheduled Tribes;

(d) one alumnus of the Institute to be nominated by the Chairperson in consultation with the Director-General by rotation; and

(e) such other members of the staff as may be laid down in the Statutes.

13. Functions of Senate: Subject to the provisions of this Act, the Statutes and the Ordinances, the Senate of the Institute shall have the control and general regulation, and be responsible for the maintenance of standards of instruction, education and examination in the Institute and shall exercise such other powers and perform such other duties as may be conferred or imposed upon it by the Statutes.

14. Functions, powers and duties of Chairperson: (1) The Chairperson shall ordinarily preside at the meetings of the Board and at the Convocations of the Institute.

(2) The Chairperson shall exercise such other powers and perform such other duties as may be assigned to him by this Act or the Statutes.

15. Director General: (1) The Director-General of the Institute shall be appointed by the Board with the prior approval of the Central Government for a tenure of three years.

(2) The Director-General shall be the principal executive officer of the Institute and shall be responsible for the proper administration of the Institute and for imparting of instruction and maintenance of discipline therein.

(3) The Director-General shall submit annual reports and accounts to the Board.

(4) The Director-General shall exercise such other powers and perform such other duties as may be assigned to him by this Act, Statutes and Ordinances.

(5) The Central Government shall have the power to remove the Director-General before the tenure of three years, if it considers it appropriate to do so.

16. Registrar: (1) The Registrar of the Institute shall be appointed on such terms and conditions as may be laid down by the Statutes and shall be the custodian of records, the common seal, the funds of the Institute and such other property of the Institute as the Board shall commit to his charge.

(2) The Registrar shall act as the Secretary of the Board, the Senate and such committees as may be prescribed by the Statutes.

(3) The Registrar shall be responsible to the Director-General for the proper discharge of his functions.

(4) The Registrar shall exercise such other powers and perform such other duties as may be assigned to him by this Act or the Statutes or by the Director-General.

17. Powers and duties of other authorities and officers: The powers and duties of authorities and officers, other than those hereinbefore mentioned, shall be determined by the Statutes.

18. Grants by Central Government: For the purpose of enabling the Institute to discharge its functions efficiently under this Act, the Central Government may, after due appropriation made by Parliament by law in this behalf, pay to the Institute in each financial year such sums of money and in such manner as it may think fit.

19. Fund of Institute: (1) The Institute shall maintain a Fund to which shall be credited-

(a) all moneys provided bythe Central Government;

(b) all fees and other charges received by the Institute;

(c) all moneys received by the Institute by way of grants, gifts, donations, benefactions, bequests or transfers; and

(d) all moneys received by the Institute in any other manner or from any other source.

(2) All moneys credited to the Fund shall be deposited in such banks or invested in such manner as the Institute may, with the approval of the Central Government, decide.

(3) The fund shall be applied towards meeting the expenses of the Institute including expenses incurred in the exercise of its powers and discharge of its duties under this Act.

20. Setting up of endowment fund: Notwithstanding anything contained in section 19, the Central Government may direct the Institute to-

(a) set up an endowment fund and any other fund for specified purpose; and

(b) transfer money from its Fund to endowment fund or any other fund.

21. Accounts and audit: (1) The Institute shall maintain proper accounts and other relevant records and prepare an annual statement of accounts, including the balance-sheet, in such form as may be specified, in accordance with such general directions as may be issued by the Central Government in consultation with the Comptroller and Auditor-General of India.

(2) The accounts of the Institute shall be audited by the Comptroller and Auditor-General of India and any expenditure incurred by him in connection with such audit shall be payable by the Institute to the Comptroller and Auditor-General of India.

(3) The Comptroller and Auditor-General of India and any person appointed by him in connection with the audit of the accounts of the Institute shall have the same rights, privileges and authority in connection with such audit as the Comptroller and Auditor-General of India, generally has in connection with the audit of the Government accounts, and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect any of the officers of the Institute.

(4) The accounts of the Institute as certified by the Comptroller and Auditor-general of India or any other person appointed by him in this behalf, together with the audit reprot thereon shall be forwarded annually to the Central Government and that Government shall cause the same to be laid before each House of Parliament.

22. Pension and provident fund: (1) The Institute shall constitute, for the benefit of its employees, including the Director-General, in such manner and subject to such conditions as may be prescribed by the Statutes, such pension, insurance and provident funds as it amy consider necessary.

(2) Where any such provident fund has been so constituted, the Central Government may declare that the provisions of the Provident Funds Act, 1925 (19 of 1925) shall apply to such fund as if it were a Government Provident Fund.

23. Appointment: All appointments of the staff of the Institute, except that of the Director-General, shall be made in accordance with the procedure laid down in the Statutes by-

(a) the Board, if the appointment is made on the academic staff in the post of Assistant Professor or above or if the appointment is made on the non-academic staff in any cadre, the maximum of the pay-scale for which is the same or higher than that of Assistant Professor; and

(b) the Director-General, in any other case.

24. Statutes: Subject to the provisions of this Act, the Statutes may provide for all or any of the following matters, namely:

(a) the formation of departments of teaching;

(b) the institution of fellowships, scholarships, exhibitions, medals and prizes;

(c) the classification, the method of appointment and the determination of the terms and conditions of service of officers, teachers and other staff of the Institute;

(d) the reservation of posts for the Scheduled Castes, the Scheduled Tribes and other backward categories of persons as may be determined by the Central Government;

(e) the constitution of pension, insurance and provident funds for the benefit of the officers, teachers and other staff of the Institute;

(f) the constitution, powers and duties of the authorities of the Institute;

(g) the establishment and maintenance of halls and hostels;

(h) the manner of filling up of vacancies among members of the Board;

(i) the authentication of the orders and decisions of the Board;

(j) the meetings of the Senate, the quorum at such meetings and the procedure to be followed in the conduct of their business; and

(k) any other matter which by this Act is to be or may be prescribed by the Statutes.

25. Statutes how made: (1) The first Statutes of the Institute shall be framed by the Board with the previous approval of the Visitor and a copy of the same shall be laid as soon as may be before each House of Parliament.

(2) The Board may, from time to time, make new or additional Statutes or may amend or repeal the Statutes in the manner hereafter in this section provided.

(3) Every new Statute or addition to the Statute or any amendment or repeal of a Statute shall require the previous approval of the Visitor who may assent thereto or withold assent or remit it to the board for consideration.

(4) A new Statute or a Statute amending or repealing an existing Statute shall have no validity unless it has been assented to by the Visitor.

26. Ordinances: Subject to the provisions of this Act and the Statutes, the Ordinances of the Institute may provide for all or any of the following matters, namely:

(a) the admission of the students to the Institute;

(b) the reservation for the Scheduled Castes, the Scheduled Tribes and other backward categories of persons;

(c) the courses of study to be laid down for all degrees, diplomas and certificates of the Institute;

(d) the conditions under which students shall be admitted to the degree, diploma and certificate courses and to the examinations of the Institute and award of degrees, diplomas and certificates;

(e) the conditions for award of fellowships, scholarships, exhibitions, medals and prizes;

(f) the conditions and mode of appointment and duties of examining body, examiners and moderators;

(g) the conduct of examinations;

(h) the maintenance of discipline among the students of the Institute;

(i) the fees to be charged for courses of study in the Institute and for admission to the examinations of degrees, diplomas and certificates of the Institute;

(j) the conditions of residence of students of the Institute and the levying of the fees for residence in the halls and hostels and other charges; and

(k) any other matter which by this Act or the Statutes is to be or may be provided for by the Ordinances.

27. Ordinances how made: (1) Save as otherwise provided in this section, Ordinances shall be made by the Senate.

(2) All Ordinances made by the Senate shall have effect from such date as it may direct, but every Ordinance so made shall be submitted, as soon as may be, to the Board and shall be considered by the Board at its next succeeding meeting.

(3) The Board shall have power by resoluation to modify or cancel any such Ordinance and such Ordinance shall from the date of such resolution stand modified accordingly or cancelled, as the case may be.

28. Tribunal of Arbitration: (1) Any dispute arising out of a contract between the Institute and any of its employees shall, at the request of the employee concerned or at the instance of the Institute, be referred to a Tribunal of Arbitration consisting of one member appointed by the Institute, one member nominated by the employee and an umpire appointed by the visitor.

(2) The decision of the Tribunal of Arbitration shall be final and shall not be questioned in any court.

(3) No suit or proceeding shall lie in any court in respect of any matter which is required by sub-section (1) to be referred to the Tribunal of Arbitration.

(4) The Tribunal of Arbitration shall have power to regulate its own procedure.

(5) Nothing in any law for the time being in force relating to arbitration shall apply to arbitration under this section.

CHAPTER-III
MISCELLANEOUS

29. Acts and proceedings not to be invalidated by vacancies, etc.: No act of the Institute or Board or Senate or any other body setup under this Act or the Statutes, shall be invalid merely by reason of-

(a) any vacancy in, or defect in the constitution thereof; or

(b) any defect in the election, nomination or appointment of a person acting as a member thereof; or

(c) any irregularity in its procedure not affecting the merits of the case.

30. Sponsored schemes: Notwithstanding anything contained in this Act, whenever the Institute receives funds from any Government, the University Grants Commission or any other agency including industry sponsoring a research scheme or a consultancy assignment or a teaching programme or a chaired professorship or a scholarship, etc., to be executed or endowed at the Institute:

(a) the amount received shall be kept by the Institute separately from the Fund of the Institute and utilised only for the purpose of the scheme; and

(b) the staff required to execute the same shall be recruited in accordance with the terms and conditions stipulated by the sponsoring organisations:

Provided that any money remaining unutilised shall be transferred to the endowment fund created under section 20 of this Act.

31. Power of Institute to grant degrees, etc.: The Institute shall have the power to grant degrees, diplomas, certificates and other academic distinctions under this Act, which shall be equivalent to such corresponding degrees, diplomas, certificates and other academic distinctions granted by any University or Institute established or incorporated under any other law for the time being in force.

32. Power to remove difficulties: (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provision or give such direction not inconsistent with the pruposes of this Act, as appears to it to be necessary or expedient for removing the difficulty:

Provided that no such order shall be made after the expiry of two years from the appointed day.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

33. Transitional provisions: Notwithstanding anything cotained in this Act-

(a) the Board of Governors of the Society functioning as such immediately before the commencement of this Act shall continue to so function until a new Board is constituted for the Institute under this Act, but on the constitution of a new Board under this Act the members of the Board holding office before such constitution shall cease to hold office; and

(b) until the first Statutes and the Ordinances are made under this Act, the rules and regulations, instructions and guidelines of the Society as in force, immediately before the commencement of this Act, shall continue to apply to the Institute in so far as they are not inconsistent with the provisions of this Act.

34. Statutes and Ordinances to be published in the Official Gazette and to be laid before parliament: (1) Every Statute or Ordinance made under this Act shall be published in the Official Gazette.

(2) Every Statute or Ordinance made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the Statute or Ordinance or both Houses agree that the Statute or Ordinance should not be made, the Statute or Ordinance shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that Statute or Ordinance.

(3) The power to make Statutes or Ordinances shall include the power to give retrospective effect from a date not earlier than the date of commencement of this Act to Statutes or Ordinances or any of them but no retrospective effect shall be given to any Statute or Ordinance so as to prejudicially affect the interests of any person to whom such Statutes or Ordinances may be applicable.

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ,

ರಿಚಾರ್ಡ್ ಲೋಬೋ

ಸಹಾಯಕ ಪ್ರಾರೂಪಕಾರ ಮತ್ತು ಪದನಿಮಿತ್ತ,

ಸರ್ಕಾರದ ಉಪ ಕಾರ್ಯದರ್ಶಿ,

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ.

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ಸಂಖ್ಯೆ: ಸಂವ್ಯಶಾಇ 41 ಕೇಶಾಪ್ರ 2006, ಬೆಂಗಳೂರು, ದಿನಾಂಕ:30ನೇ ಆಗಸ್ಟ್ 2006

2006ನೇ ಸಾಲಿನ ಜೂನ್, 16ನೇ ದಿನಾಂಕದ ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟ್‌ನ ವಿಶೇಷ ಸಂಚಿಕೆಯ ಭಾಗ– II ಸೆಕ್ಷನ್ 1ರಲ್ಲಿ ಪ್ರಕಟವಾದ ಈ ಕೆಳಕಂಡ The Micr, Small Land Medium Enterprises Development Act, 2006 (Act No.27 of 2006) ಅನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯ ಪತ್ರದಲ್ಲಿ ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ.

THE MCIRO, SMALL AND MEDIUM ENTERPRISES DEVELOPMENT ACT, 2006

AN

ACT

to provide for facilitating the promotion and development and enhancing the competitiveness of micro, small and medium enterprises and for matters connected therewith or incidental thereto.

WHEREAS a declaration as to expediency of control of certain industries by the Union was made under section 2 of the Industries (Development and Regulation) Act, 1951;

AND WHEREAS it is expedient to provide for facilitating the promotion and development and enhancing the competitiveness of micro, small and medium enterprises and for matters connected therewith or incidental thereto;

BE it enacted by Parliament in the Fifty-seventh Year of the Republic of India as follows:

CHAPTER-I

PRELIMINARY

1. Short title and commencement: (1) This Act may be called the Micro, Small and Medium Enterprises Development Act, 2006.

(2) It shall come into force on such date as the Central Government may, by notification, appoint; and different dates may be appointed for different provisions of this Act and any reference in any such provision to the commencement of this Act shall be construed as a reference to the coming into force of that-provision.

2. Definitions: In this Act, unless the context otherwise requires,-

(a) "Advisory Committee" means the committee constituted by the Central Government under sub-section (2) of section 7;

(b) "appointed day" means the day following immediately after the expiry of the period of fifteen days from the day of acceptance or the day of deemed acceptance of any goods or any services by a buyer from a supplier.

Explanation: For the purposes of this clause,-

(i) "the day of acceptance" means,-

(a) the day of the actual delivery of goods or the rendering of services; or

(b) where any objection is made in writing by the buyer regarding acceptance of goods or services within fifteen days from the day of the delivery of goods or the rendering of services, the day on which such objection is removed by the supplier;

(ii) "the day of deemed acceptance" means, where no objection is made in writing by the buyer regarding acceptance of goods or services within fifteen days from the day of the delivery of goods or the rendering of services, the day of the actual devlivery of goods or the rendering of services;

(c) "Board" means the National Board for Micro, Small and Medium Enterprises established under section 3;

(d) "buyer" means whoever buys any goods or receives any services from a supplier for consideration;

(e) "enterprise" means an industrial undertaking or a business concern or any other establishment, by whatever name called, engaged in the manufacture or production of goods, in any manner, pertaining to any industry specified in the First Schedule to the Industries (Development and Regulation) Act, 1951 (65 of 1951) or engaged in providing or rendering of any service or services;

(f) "goods" means every kind of movable property other than actionable claims and money;

(g) "medium enterprise" means an enterprise classified as such under sub-cluase (iii) of clause (a) or sub-clause (iii) of clause (b) of sub-section (1) of section 7;

(h) "micro enterprise" means an enterprise classified as such under sub-clause (i) of clause (a) or sub-clause (i) of clause (b) of sub-section (1) of section 7;

(i) "National Bank" means the National bank for Agriculture and Rural Development established under section 3 of the National Bank for Agriculture and Rural Development Act, 1981 (61 of 1981);

(j) "notification" means a notification published in the Official Gazette;

(k) "prescribed" means prescribed by rules made under this Act;

(l) "Reserve Bank" means the Reserve Bank of India constituted under section 3 of the Reserve Bank of India Act, 1934 (2 of 1934);

(m) "small enterprise" means an enterprise classified as such under sub-clause (ii) of clause (a) or sub-clause (ii) of clause (b) of sub-section (1) of section 7;

(n) "supplier" means a micro or small enterprise, which has filed a memorandum with the authority referred to in sub-section (1) of section 8, and includes,-

(i) the National Small Industries Corporation, being a company, registered under the Companies Act, 1956 (1 of 1956);

(ii) the Small Industries Development Corporation of a State or a Union territory, by wheatever name called, being a company registered under the Comapnies Act, 1956 (1 of 1956);

(iii) any company, co-operative society, trust or a body, by whatever name called, registered or constituted under any law for the time being in force and engaged in selling goods produced by micro or small enterprises and rendering services which are provided by such enterprises;

(o) "Small Industries Bank" means the Small Industries Development Bank of India established under sub-section (1) of section 3 of the Small Industries Development Bank of India Act, 1989 (39 of 1989);

(p) "State Government", in relation to a Union territory, means the Administrator thereof appointed under article 239 of the Constitution.

CHAPTER-II

NATIONAL BOARD FOR MICRO, SMALL AND MEDIUM ENTERPRISES

3. Establishment of Board: (1) With effect from such date as the Central Government may, by notification, appoint, there shall be established, for the purpose of this Act, a Board to be known as the National Board for Micro, Small and Medium Enterprises.

(2) The head office of the Board shall be at Delhi.

(3) The Board shall consist of the following members, namely:

(a) the Minister in charge of the Ministry or Department of the Central Government having administrative control of the micro, small and medium enterprises who shall be the ex officio Chairperson of the Board;

(b) the Minister of State or a Deputy Minister, if any, in the Ministry or Department of the Central Government having administrative control of the micro, small and medium enterprises who shall be ex officio Vice-Chairperson of the Board, and where there is no such Minister of State or Deputy Minister, such person as may be appointed by the Central Government to be the Vice-Chairperson of the Board;

(c) six Ministers of the State Governments having administrative control of the departments of small scale industries or, as the case may be, micro small and medium enterprises, to be appointed by the Central Government to represent such regions of the country as may be notified by the Central Government in this behalf, ex officio;

(d) three Members of Parliament of whom two shall be elected by the House of the People and one by the Council of States;

(e) the Administrator of a Union territory to be appointed by the Central Government, ex officio;

(f) the secretary to the Government of India in charge of the Ministry or Department of the Central Government having administrative control of the micro, small and medium enterprises, ex officio;

(g) four Secretaries to the Government of India, to represent the Ministries of the Central Government dealing with commerce and industry, finance, food processing industries, labour and planning to be appointed by the Central Government, ex officio;

(h) the Chairman of the Board of Directors of the National Bank, ex officio;

(i) the Chairman and managing director of the Board of Directors of the Small Industries Bank, ex officio;

(j) the Chairman, Indian Banks Association, ex officio;

(k) one officer of the Reserve Bank, not below the rank of an Executive Director, to be appointed by the Central Government to represent the Reserve Bank;

(l) twenty persons to represent the associations of micro, small and medium enterprises, including not less than three persons representing associations of women's enterprises and not less than three persons representing associations of micro enterprises, to be appointed by the Central Government;

(m) three persons of eminence, one each from the fields of economics, industry and science and technology, not less than one of whom shall be a woman, to be appointed by the Central Government;

(n) two representatives of Central Trade Union Organisations, to be appointed by the Central Government; and

(o) one officer not below the rank of Joint Secretary to the Government of India in the Ministry or Department of the Central Government having administrative control of the micro, small and medium enterprises to be appointed by the Central Government, who shall be the Member-Secretary of the Board, ex officio.

(4) The term of office of the members of the Board, other than ex officio members of the Board, the manner of filling vacancies, and the procedure to be followed in the discharge of their functions by the members of the Board, shall be such as may be prescribed:

Provided that the term of office of an ex officio member of the Board shall continue so long as he holds the office by virtue of which he is such a member.

(5) No act or proceedings of the Board shall be invalid merely by reaosn of-

(a) any vacancy in, or any defect in the constitution of, the Board; or

(b) any defect in the appointment of a person acting as a member of the Board; or

(c) any irregularity in the procedure of the Board not affecting the merits of the case.

(6) The Board shall meet at least once in every three months in a year.

(7) The Board may associate with itself, in such manner and for such pruposes as it may deem necessary, any person or persons whose assistance or advice it may desire in complying with any of the provisions of this Act and a person so associated shall have the right to take part in the discussions of the Board relevant to the purposes for which he has been associated but shall not have the right to vote.

(8) Without prejudice to sub-section (7) the Chairperson of the Board shall, for not less than two of the meetings of the Board in a year, invite such Ministers of the State Governments having administrative control of the departments of small scale industries or, as the case may be, the micro, small and medium enterprises, or the Administrators of Union territories and representatives of such other associations of micro, small and medium enterprises, as he may deem necessry for carrying out the purposes of this Act.

(9) It is hereby declared that the office of member of the Board shall not disqualify it holder for being chosen as, or for being, a member of either House of Parliament.

4. Removal of member from Board: (1) The Central Government may remove a member of the Board from it, if he-

(a) is, or at any time has been, adjudged as insolvent; or

(b) is, or becomes, of unsound mind and stands so declared by a competent court; or

(c) refuses to act or becomes incapable of acting as a member of the Board; or

(d) has been convicted of an offence which, in the opinion of the Central Government, involves moral turpitude; or

(e) has so abused, inthe opinion of the Central Government, his position as a member of the Board as to render his continuance in the Board detrimental to the interests of the general public.

(2) Notwithstanding anything contained in sub-section (1), no member shall be removed from his office on the grounds specified in clauses (c) to (e) of that sub-section unless he has been given a reasonable opportunity of being heard in the matter.

5. Functions of Board: The Board shall, subject to the general directions of the Central Government, perform all or any of the following functions, namely:

(a) examine the factors affecting the promotion and development of micro, small and medium enterprises and review the policies and programmes of the Central Government in regard to facilitating the promotion and development and enhancing the competitiveness of such enterprises and the impact thereof on such enterprises;

(b) make recommendations on matters referred to in clause (a) or on any other matter referred to it by the Central Government which, in the opinion of that Government, is necessary or expedient for facilitating the promotion and development and enhancing the competitiveness of the micro, small and medium enterprises; and

(c) advise the Central Government on the use of the Fund or Funds constituted under section 12.

6. Powers and functions of Member-Secretary of Board: Subject to other provisions of this Act, the Member-Secretary of the Board shall exercise such powers and perform such functions as may be prescribed.

CHAPTER-III

CLASSIFICATION OF ENTERPRISES, ADVISORY COMMITTEE AND MEMORANDUM OF MICRO, SMALL AND MEDIUM ENTERPRISES

7. Classification of enterprises: (1) Notwithstanding anything contained in section 11B of the Industries (Development and Regulation) Act, 1951, the Central Government may, for the purposes of this Act, by notification and having regard to the provisions of sub-sections (4) and (5), classify any class or classes of enterprises, whether proprietorship, Hindu undivided family, association of persons, co-operative society, partnership firm, company or undertaking, by whatever name called,-

(a) in the case of the enterprises engaged in the manufacture or production of goods pertaining to any industry specified in the First Schedule to the Industries (Development and Regulation) Act, 1951, as-

(i) a micro enterprise, where the investment in plant and machinery does not exceed twenty-five lakh rupees;

(ii) a small enterprise, where the investment in plant and machinery is more than twenty-five lakh rupees but does not exceed five crore rupees; or

(iii) a medium enterprise, where the investment in plant and machinery is more than five crore rupees but does not exceed ten crore rupees;

(b) in the case of the enterprises engaged in providing or rendering of services, as-

(i) a micro enteriprise, where the investment in equipment does not exceed Ten lakh rupees;

(ii) a small enterprise, where then investment in equipment is more than Ten lakh rupees but does not exceed two crore rupees; or

(iii) a medium enterprise, where the investment in equipment is more than two crore rupees but does not exceed five crore rupees.

Explanation 1: For the removal of doubts, it is hereby clarified that in calculating the investment in plant and machinery, the cost of pollution control, research and development, industrial safety devices and such other items as may be specified, by notification, shall be excluded.

Explanation 2: It is clarified that the provisions of section 29B of the Industries (Development and Regulation) Act, 1951 (65 of 1951), shall be applicable to the enterprises specified in sub-cluase (i) and (ii) of clause (a) of sub-section (1) of this section.

(2) The Central Government shall, by notification, constitute an Advisory Committee consisting of the following members, namely:

(a) the secretary to the Government of India in the Minsitry or Department of the Central Government having administrative control of the small and medium enterprises who shall be the Chairpersons, ex officio;

(b) not more than five officers of the Central Government possessing necessary expertise in matters relating to micro, small and medium enterprises, member, ex officio;

(c) not more than three representatives of the State Governments, members ex officio; and

(d) one representative each of the associations of micro, small and medium enterprises, members, ex officio.

(3) The Member-Secretary of the Board shall also be the ex officio Member-Secretary of the Advisory Committee.

(4) The Central Government shall, prior to classifying any class or classes of enterprises under sub-section (1), obtain the recommendations of the Advisory Committee.

(5) The Advisory Committee shall examine the matters referred to it by the Board in connection with any subject referred to in section 5 and furnish its recommendations to the Board.

(6) The Central Government may seek the advice of the Advisory Committee on any of the matters specified in section 9, 10, 11, 12 or 14 of Chapter-IV.

(7) The State Government may seek advice of the Advisory Committee on any of the matters specified in the rules made under section 30.

(8) The Advisory Committee shall, after considering the following matters, communicate its recommendations or advice to the Central Government or, as the case may be, State Government or the Board, namely:

(a) the level of employment in a class or classes of enterprises;

(b) the level of investments in plant and machinery or equipment in a class or classes of enterprises;

(c) the need of higher investment in plant and machinery or equipment for Technological upgradation, employment generation and enhanced competitiveness of the class or classes of enterprises;

(d) the possibility of promoting and diffusing entrepreneurship in micro, small or medium enterprises; and

(e) the international standards for classification of small and medium enterprises.

(9) Notwithstanding anything contained in section 11B of the Industries (Development and Regulation) Act, 1951 (65 of 1951) and clause (h) of section 2 of the Khadi and Village Industries Commission Act, 1956 (61 of 1956), the Central Government may, while clasifying any class or classes of enterprises under sub-section (1), vary, from time to time, the criterion of investment and also consider criteria or standards in respect of employment or turnover of the enterprises and include in such classification the micro or tiny enterprises or the village enterprises, as part of small enterprises.

8. Memorandum of micro, small and medium enterprises: (1) Any person who intends to establish,-

(a) a micro or small enterprise, may, at his discretation; or

(b) a medium enterprise engaged in providing or rendering of services may, at his discretion; or

(c) a medium enterprise engaged in the manufacture or production of goods pertaining to any industry specified in the First Schedule to the Industries (Development and Regulation) Act, 1951(65 of 9151),

shall file the memorandum of micro, small or, as the case may be, of medium enterprise with such authority as may be specified by the State Government under sub-section (4) or the Central Government under sub-section (3):

Provided that any person who, before the commencement of this Act, established-

(a) a small scale industry and obtained a registration certificate, may, at his discretion; and

(b) an industry engaged in the manufacture or production of goods pertaining to any industry specified in the First Schedule to the Industries (Development and Regulation) Act, 1951 (65 of 1951), having investment in plant and machinery of more than one crore rupees but not exceeding Ten crore rupees and, in pursuance of the notification of the Government of India in the earstwhile Ministry of

Industry (Department of Industrial Development) number S.O. 477(E), dated the 25th July, 1991 filed an Industrial Entrepreneur's Memorandum,

shall within one hundred and eighty days from the commencement of this Act, file the memorandum, in accordance with the provisions of this Act.

(2) The form of the memorandum, the procedure of its filing and other matters incidental there to shall be such as may be notified by the Central Government after obtaining the recommendations of the Advisory Committee in this behalf.

(3) The authority with which the memorandum shall be filed by a medium enterprise shall be such as may be specified, by notification, by the Central Government.

(4) The State Government shall, by notification, specify the authority with which a micro or small enterprise may file the memorandum.

(5) The authorities specified under sub-sections (3) and (4) shall follow, for the purposes of this section, the procedure notified by the Central Government under sub-section (2).

CHAPTER-IV

MEASURES FOR PROMOTION, DEVELOPMENT AND ENHANCEMENT OF COMPETITIVENESS OF MICRO, SMALL AND MEDIUM ENTERPRISES

9. Measures for promotion and development: The Central Government may, from time to time, for the purpose of facilitating the promotion and development and enhancing the competitiveness of micro, small and medium enterprises, particularly of the micro and small enterprises, by way of development of skill in the employees, management and entrepreneurs, provisioning for Technological upgradation, marketing assistance or infrastructure facilities and cluster development of such enterprises with a view to strengthening backward and forward linkages, specify, by notification, such programmes, guidelines or instructions, as it may deem fit.

10. Credit facilities: The policies and practices in respect of credit to the micro, small and medium enterprises shall be progressive and such as may be specified in the guidelines or instructions issued by the Reserve Bank, from time to time, to ensure timely and smooth flow of credit to such enterprises, minimise the incidence of sickness among and enhance the competitiveness of such enterprises.

11. Procurement preference policy: For facilitating promotion and development of micro and small enterprises, the Central Government or the State Government may, by order notify from time to time, preference policies in respect of procurement of goods and services, produced and provided by micro and small enterprises, by its Ministries or departments, as the case may be, or its aided institutions and public sector enterprises.

12. Funds: There shall be constituted, by notification, one or more Funds to be called by such name as may be specified in the notification and there shall be credited thereto any grnats made by the Central Government under section 13.

13. Grants by Central Government: The Central Government may, after due appropriation made by Parliament by law in this behalf, credit to the Fund or Funds by way of grants for the purposes of this Act, such sums of money as that Government may consider necessary to provide.

14. Administration and utilisation of Fund or Funds: (1) The Central Government shall have the power to administer the Fund or Funds in such manner as may be prescribed.

(2) The Fund or Funds shall be utilised exclusively for the measures specified in sub-section (1) of section 9.

(3) The Central Government shall be responsible for the coordination and ensuring timely tuilisation and release of sums in accordance with such criteria as may be prescribed.

CHAPTER-V

DELAYED PAYMENTS TO MICRO AND SMALL ENTERPRISES

15. Liability of buyer to make payment: Where any supplier supplies any goods or renders any services to any buyer, the buyer shall make payment therefor on or before the date agreed upon between him and the supplier in writing or, where there is no agreement in this behalf, before the appointed day:

Provided that in no case the period agreed upon between the supplier and the buyer in writing shall exceed forty-five days from the day of acceptance or the day of deemed acceptance.

16. Date from which and rate at which interest is payable: Where any buyer fails to make payment of the amount to the supplier, as required under section 15, the buyer shall, notwithstanding anything contained in any agreement between the buyer and the supplier or in any law for the time being in force, be liable to pay compound interest with monthly rests to the supplier on that amount from the appointed day or, as the case may be, from the date immediately following the date agreed upon, at three times of the bank rate notified by the Reserve Bank.

17. Recovery of amount due: For any goods supplied or services rendered by the supplier, the buyer shall be liable to pay the amount with interest thereon as provided under section 16.

18. reference to Micro and Small Enterprises Facilitation Council: (1) Notwithstanding anything contained in any other law for the time being in force, any party to a dispute may, with regard to any amount due under section 17, make a reference to the Micro and Small Enterprises Facilitation Council.

(2) On receipt of a reference under sub-section (1), the Council shall either itself conduct conciliation in the matter or seek the assitance of any institution or centre providing alternate dispute resolution services by making a reference to such an institution or centre, for conducting conciliation and the provisions of sections 65 to 81 of the Arbitration and Conciliation Act, 1996 (26 of 1996) shall apply to such a dispute as if the conciliation was initiated under Part III of that Act.

(3) Where the conciliation initiated under sub-section (2) is not successful and stands terminated without any settlement between the parties, the Council shall either itself take up the dispute for arbitration or refer it to any institution or centre providing alternate dispute resolution services for such arbitration and the provisions of the Arbitration and Conciliation Act, 1996 (26 of 1996) shall then apply to the dispute as if the arbitration was in pursuance of an arbitration agreement referred to in sub-section (1) of section 7 of that Act.

(4) Notwithstanding anything contained in any other law for the time being in force, the Micro and Small Enterprises Facilitation Council or the centre providing alternate dispute resolution services shall have jurisdiction to act as an Arbitrator or Conciliator under this section in a dispute betwen the supplier located within its jurisdiction and a buyer located anywhere in India.

(5) Every reference made under this section shall be decided within a period of ninety days from the date of making such a reference.

19. Application for setting aside decree, award or order: No application for setting aside any decree, award or other order made either by the Council itself or by any institution or centre providing alternate dispute resolution services to which a reference is made by the Council, shall be entertained by any court unless the appellant (not being a supplier) has deposited with it seventy-five per cent. of the amount in terms of the decree, award or, as the case may be, the other order in the manner directed by such court:

Provided that pending disposal of the application to set aside the decree, award or order, the court shall order that such percentage of the amount deposited shall be paid to the supplier, as it considers reasonable under the circumstances of the case, subject to such conditions as it deems necessary to impose.

20. Establishment of Micro and Small Enterprises Facilitation Council: The State Government shall, by notification, establish one or more Micro and Small Enterprises Facilitation Councils, at such places, exercising such jurisdiction and for such areas, as may be specified in the notification.

21. Composition of Micro and Small Enterprises Facilitation Council: (1) The Micro and Small Enterprise Facilitation Council shall consist of not less than three but not more than five members to be appointed from amongst the following categories, namely:

(i) Director of Industries, by whatever name called, or any other officer not below the rank of such Director, in the Department of the State Government having adminstrative control of the small scale industries or, as the case may be, micro, small and medium enterprises; and

(ii) one or more office-bearers or representatives of associations of micro or small industry or enterprises in the State; and

(iii) one or more representatives of banks and financial institutions lending to micro or small enterprises; or

(iv) one or more persons having special knowledge in the field of industry, finance, law, trade or commerce.

(2) The person appointed under clause (i) of sub-section (1) shall be the Chairperson of the Micro and Small Enterprises Facilitation Council.

(3) The composition of the Micro and Small Enterprises Facilitation Council, the manner of filling vacancies of its members and the procedure to be followed in the discharge of their functions by the members shall be such as may be prescribed by the State Government.

22. Requirement to specify unpaid amount with interest in the annual statement of accounts: Where any buyer is required to get his annual accounts audited under any law for the time being in force, such buyer shall furnish the following additional information in his annual statement of accounts, namely:

(i) the principal amount and the interest due thereon (to be shown separately) remaining unpaid to any supplier as at the end of each accounting year;

(ii) the amount of interest paid by the buyer in terms of section 16, along with the amount of the payment made to the supplier beyond the appointed day during each accounting year;

(iii) the amount of interest due and payable for the period of delay in making payment (which have been paid but beyond the appointed day during the year) but without adding the interest specified under this Act;

(iv) the amount of interest accrued and remaining unpaid at the end of each accounting year; and

(v) the amount of further interest remaining due and payable even in the succeeding years, until such date when the interest dues as above are actually paid to the small enterprise, for the purpose of disallowance as a deductible expenditure under section 23.

23. Interest not to be allowed as deduction from income: Notwithstanding anything contained in the Income-tax Act, 1961 (43 of 1961), the amount of interest payable or paid by any buyer, under or in accordance with the provisions of this Act, shall not, for the purposes of computation of income under the Income-tax Act, 1961, be allowed as deduction.

24. Overriding effect: The provisions of sections 15 to 23 shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

25. Scheme for closure of business of micro, small and medium enterprises: Notwithstanding anything contained in any law for the time being in force, the Central Government may, with a view to facilitating closure of business by a micro, small or medium enterprise, not being a company registered under the Companies Act, 1956 (1 of 1956), notify a Scheme within one year from the date of commencement of this Act.

CHAPTER-VI
MISCELLANEOUS

26. Appointment of officers and other employees: (1) The Central Government or the State Government may appoint such officers with such designations and such other employees as it thinks fit for the purposes of this Act and may entrust to them such of the powers and functions under this Act as it may deem fit.

(2) The Officers appointed under sub-section (1) may, for the purposes of this Act, by order require any person to furnish such information, in such form, as may be prescribed.

27. Penalty for contravention of section 8 or section 22 or section 26: (1) Whoever intentionally contravenes or attempts to contravene or abets the contravention of any of the provisions contained in sub-section (1) of section 8 or sub-section (2) of section 26 shall be punishable-

(a) in the case of the first conviction, with fine which may extend to rupees one thousand; and

(b) in the case of second or subsequent conviction, with fine which shall not be less than rupees one thousand but may extend to rupees Ten thousand.

(2) Where a buyer contravenes the provisions of section 22, he shall be punishable with fine which shall not be less than rupees Ten thousand.

28. Jurisdiction of courts: No court inferior to that of a Metropolitan Magistrate or a Magistrate of the first class shall try any offence punishable under this Act.

29. Power to make rules: (1) The Central Government may, by notification, make rules to carry out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:

(a) the term of office of the members of the Board, the manner of filling vacancies, and the procedure to be followed in the discharge of functions by the members of the Board under sub-section (4) of section 3;

(b) the powers and functions of the Member-Secretary under section 6;

(c) the manner in which the Fund may be adminstered under sub-section (1) of section 14;

(d) the criteria based on which sums may be released under sub-section (3) of section 14;

(e) the information to be furnished and the form in which it is to be furnished under sub-section (2) of section 26; and

(f) any other matter which is to be or may be prescribed under this Act.

(3) Every notification issued under section 9 and every rule made by the Central Government under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the notification or rule or both Houses agree that the notification or rule should not be made, the notification or rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that notification or rule.

30. Power to make rules by State Government: (1) The State Government may, by notification, make rules to carry out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:

(a) the composition of the Micro and Small Enterprises Facilitation Council, the manner of filling vacancies of the members and the procedure to be followed in the discharge of their functions by the members of the Micro and Small Enterprises Facilitation Council under sub-section (3) of section 21;

(b) any other matter which is to be or may be, prescribed under this Act.

(3) The rule made under this section shall, as soon as may be after it is made, be laid before each House of the State Legislature where there are two Houses, and where there is one House of the State Legislature, before that House.

31. Power to remove difficulties: (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act as may appear to be necessary for removing the difficulty:

Provided that no order shall be made under this section after the expiry of two years from the commencement of this Act.

(2) Every order made under this section shall, as soon as may be after it is made, be laid before each House of Parliament.

32. Repeal of Act: (1) The Interest on Delayed Payments to Small Scale and Ancillary Industrial Undertakings Act, 1993 (32 of 1993) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the Act so repealed under sub-section (1), shall be deemed to have been done or taken under the corresponding provisions of this Act.

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ,

ರಿಚಾರ್ಡ್ ಲೋಬೋ

ಪಿ.ಆರ್. 77

ಸಹಾಯಕ ಪ್ರಾರೂಪಕಾರ ಮತ್ತು ಪದನಿಮಿತ್ತ,

ಸರ್ಕಾರದ ಉಪ ಕಾರ್ಯದರ್ಶಿ,

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ.